

Despite the determination of the Superior Court on October 1, 2003, that the strike activity by Los Angeles County Deputy Sheriffs was illegal, and the Court's issuance of a restraining order prohibiting such strike activity, significant numbers of Sheriff's deputies have continued to engage in illegal strike activity, as set forth in the chronology of absences and strike activity submitted by the CAO. This continuing illegal strike activity has caused great harm to the public service, is impeding operation of the civil and criminal justice systems and constitutes an imminent threat to public safety.

Government Code Section 3504.5(b) of the Meyers-Milias-Brown Act (MMBA) which governs "meet and confer" obligations with recognized public employee organizations, provides that "in cases of emergency when the governing body... determine[s] that an ordinance, rule, resolution or regulation must be adopted immediately without prior notice or meeting with a recognized employee organization, the governing body... shall provide notice and opportunity to meet at the earliest practicable time following the adoption of the ordinance, rule, resolution or regulation."

Because the Board of Supervisors has ultimate responsibility for negotiating Memoranda of Understanding regarding wages, hours, and terms and conditions of employment, the Sheriff's Department is directed to make changes to any existing policies, rules, practices or regulations to provide for immediate employment consequences for any deputy Sheriffs continuing to engage in illegal strike activity.

I, THEREFORE, MOVE THAT the Board declare that there exists an emergency that requires the Sheriff's Department immediately implement the following policy and/or practice changes as set forth below:

- A. The Department shall have the right to temporarily reassign and/or modify schedules/shifts, etc. in order to meet department staffing needs during the ongoing job-action;
- B. The Department may code as absent without pay any deputy engaging in illegal strike activity such as strike, work-stoppage or calling in sick where more than 20% of the deputies working in the unit where the employee works also engaged in the illegal activity. Such action shall be considered to be non-disciplinary and non-punitive;
- C. When more than 20% of the deputies in any unit engage in illegal strike activity, such as strike, work-stoppage, work-slowdown or sick-out the department may also impose discipline at such time as it deems its investigation complete. The Department need not provide advance notice of intended discipline for suspensions of five days or less, or reprimands; the department only need provide notice of imposition of discipline; in addition, such discipline that is imposed shall be served prior to the exercise of any grievance rights.

The Sheriff is directed to make these changes as early as practicable, to limit these changes to the current job-action, and the Chief Administrative Office is directed to provide notice to the recognized bargaining unit after implementation in order to meet and confer with the recognized bargaining unit as early as practicable.

MOTION

Supervisor Gloria Molina

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Supervisor Yvonne Brathwaite Burke

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Supervisor Zev Yaroslavsky

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Supervisor Don Knabe

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Supervisor Michael D. Antonovich

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